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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,073	11/25/2003	Sven Bernhard	11884/407901	4197
Mark D Yuan Kenyon & Kenyon LLP 333 West San Carlos Street Suite 600 San Jose, CA 95110				
			EXAMINER	
			HOANG, HIEU T	
			ART UNIT	PAPER NUMBER
			2452	
			MAIL DATE	DELIVERY MODE
			10/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,073

Applicant(s)

BERNHARD ET AL.

Examiner

HIEU T. HOANG

Art Unit

2152

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/16/2008 has been entered.
2. Claims 1-20 are pending.

Response to Amendment

3. The objection of claims 2-4, 15 has been withdrawn due to the amendment.

Response to Arguments

4. Applicant's arguments have been fully considered but are moot in view of new ground(s) of rejection.

Claim Objections

5. Claim 20 is objected to because of the following informalities: the claim recites "the middleware server" on line 3. There is no antecedent basis for the middleware server.
6. Applicant is respectfully requested to locate and fix similar errors. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner cannot find any disclosure in the specification regarding “querying in the descriptor file, a registry associated with the mobile device to determine whether to configure the mobile device using the determined associated configuration parameter” and “if the determined associated configuration is not located in the registry associated with the mobile device, initiating a process...” as recited in claim 1. Similar rationale applies to claims 8, 13 and 20, e.g., “querying, in the descriptor file, a registry associated with the particular mobile device to determine whether to the associated device specific configuration files are already installed on the mobile device”, “if the registry indicates the device specific configuration files are not already installed in the particular mobile device, initiate ...”

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 1, the claim recites "querying, in the descriptor file, a registry." It is vague whether this registry is same as "a registry" on line 6. Independent claims 8, 13, and 20 and their associated dependent claims are rejected for the same rationale.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer et al. (US 2002/0040369, hereafter Multer), in view of Song et al. (US 2003/0065947, hereafter Song), further in view of Vert et al. (US 2001/0008019, hereafter Vert) and Chasman et al. (US 2007/0180075, hereafter Chasman).

13. For claim 1, Multer discloses a method for remotely configuring at least one mobile device comprising:

storing at a server least one configuration parameter relating to a software application (fig. 6-8, fig. 12, server storing relational hierarchy containing devices and associated applications on the devices and items related to settings associated with each application in [0136], [0242], or configuration parameters, see further, fig. 10 and 11, an application such as Outlook has associated items or application settings such as notes, emails, tasks, calendar, bookmarks... with multiple data fields settings in fig. 13), wherein each of the configuration parameters specifies configuration information as a function of the application (fig. 10-12, [0136], each item is an individual entity or record of application's specific data, e.g., an application such as Outlook has associated items such as notes, emails, tasks, calendar, bookmarks... with multiple data fields settings);

receiving at the server a synchronization request from a mobile device participating in a particular application ([0222], sync triggering from a device by a particular application), the synchronization request to include a device identification (ID) ([0223], device name ID)

determining an associated configuration parameter for the mobile device as a function of the particular application (fig. 12, [0241], [0242], each application is associated with items or configuration parameters);

determining an associated device profile for the mobile device as a function of the device ID ([0223], device type by device ID containing device name and class)

determine whether to configure the mobile device using the determined associated configuration parameter (fig. 12, [0220], determine whether synchronization of application items is necessary);

if the determined associated configuration parameter is not located ([0046], differencing including determining whether data does not currently exist), initiating a process to configure the mobile device as a function of the associated configuration parameter and the associated device profile (fig. 15, [0223], determine device profile, then [0225]-[0227], resolving conflicts in data by finding data deltas and applying the data deltas to appropriate application items).

Multer does not disclose storing, at the server, in a descriptor file a registry for each of the at least one mobile device; and querying, in the descriptor file, a registry associated with the mobile device.

However, Song discloses storing and accessing a database of registry of each mobile device (fig. 3, 4, each device has a registry record at the registry server)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer and Song to maintain a device specific registry record at the server so that device specific information can be retrieved separately.

Multer-Song does not disclose each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device.

However, Vert discloses each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device (fig. 4, a registry for a machine with installed programs 1-n and associated program configuration parameters such as name and data fields on the right)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song and Vert to maintain a device specific registry record associated with all installed applications at the server so that device specific application information can be retrieved separately.

Multer-Song-Vert does not disclose the server is a middleware server.

However, Chasman discloses the same (fig. 1, fig. 2, application server with a master database for storing business object type or application and configuration information, application server is read as an middleware server, see Yu et al. US 2007/0226155, [0100], an application server is a middleware server)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song, Vert and Chasman to implement the synchronization scheme of Multer to a dedicated server such as a middleware server to improve system performance.

14. For claim 13, Multer discloses a program storage device including instructions for remotely configuring at least one mobile device comprising:

storing at a server at least one configuration parameter for each the at least one mobile device, wherein each of the configuration parameters specifies configuration information as a function of a device profile (fig. 12, hierarchy containing devices and associated applications on the devices and associated items or configuration parameters, fig. 6-8, fig. 12, server storing relational hierarchy containing devices and associated applications on the devices and items related to settings associated with each application in [0136], [0242], or configuration parameters, see further, fig. 10 and 11, an application such as Outlook has associated items or application settings such as notes, emails, tasks, calendar, bookmarks... with multiple data fields settings in fig. 13),

receiving at the server a synchronization request from a mobile device participating in a particular application ([0222], sync triggering from a device by a particular application), the synchronization request to include a device identification (ID) ([0223], device name ID);

determining an associated configuration parameter for the mobile device as a function of the particular application (fig. 12, [0241], hierarchy containing application relations with associated items or configuration parameters);

determining an associated device profile for the mobile device as a function of the device ID ([0223], user device profile by device ID)

determine whether to configure the mobile device using the determined associated configuration parameter (fig. 12, [0220], determine whether synchronization of application items is necessary);

if the determined associated configuration parameter is not located ([0046], differencing including determining whether data does not currently exist), initiating a process to configure the mobile device as a function of the associated configuration parameter and the associated device profile (fig. 15, [0223], determine device profile, then [0225]-[0227], resolving conflicts in data by finding data deltas and applying the data deltas to appropriate application items).

Multer does not disclose storing, at the server, in a descriptor file a registry for each of the at least one mobile device; and querying, in the descriptor file, a registry associated with the mobile device.

However, Song discloses storing and accessing a database of registry of each mobile device (fig. 3, 4, each device has a registry record at the registry server)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer and Song to maintain a device specific registry record at the server so that device specific information can be retrieved separately.

Multer-Song does not disclose each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device;

However, Vert discloses each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device (fig. 4, a registry for a machine with installed programs 1-n and associated program configuration parameters such as name and data fields on the right)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song and Vert to maintain a device specific registry record associated with all installed applications at the server so that device specific application information can be retrieved separately.

Multer-Song-Vert does not disclose the server is a middleware server.

However, Chasman discloses the same (fig. 1, fig. 2, application server with a master database for storing business object type or application and configuration information, application server is read as an middleware server, see Yu et al. US 2007/0226155, [0100], an application server is a middleware server)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer and Chasman to implement the synchronization scheme of Multer to a dedicated server such as a middleware server to improve system performance.

15. For claim 8, Multer discloses a system for remotely configuring at least one mobile device comprising:

a server, wherein the server stores device specific configuration files configuration parameters, the configuration parameters associating a network application with at least one configuration option (fig. 12, hierarchy containing devices and associated applications on the devices and associated items or configuration parameters, fig. 6-8, fig. 12, server storing relational hierarchy containing devices and associated applications on the devices and items related to settings associated with each application in [0136], [0242], or configuration parameters, see further, fig. 10 and 11, an application such as Outlook has associated items or application settings such as notes, emails, tasks, calendar, bookmarks... with multiple data fields settings in fig. 13),

a configuration module (fig. 6, [0018], [0019], difference engine), wherein the configuration module:

receives a configuration request from a particular mobile device ([0222], sync triggering from a device by a particular application);

determines associated device specific configuration files appropriate for the particular mobile device ([0223], user device profile by device ID);

determine whether to the associated device specific configuration files are already installed on the mobile device (fig. 12, [0220], determine whether synchronization of application items is necessary);

if the device specific configuration files are not already installed in the particular mobile device ([0046], differencing including determining whether data does not currently exist), initiates a deployment of the associated device specific configuration files for the particular mobile device (fig. 15, [0223], determine device profile, then [0225]-[0227], resolving conflicts in data by finding data deltas and applying the data deltas to appropriate application items)

Multer does not disclose a descriptor file stored in the server to store a registry for each of the at least one mobile device; and querying, in the descriptor file, a registry associated with the particular mobile device.

However, Song discloses storing and accessing a database of registry of each mobile device (fig. 3, 4, each device has a registry record at the registry server)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer and Song to maintain a device specific registry record at the server so that device specific information can be retrieved separately.

Multer-Song does not disclose each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device;

However, Vert discloses each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device (fig. 4, a registry for a machine with installed programs 1-n and associated program configuration parameters such as name and data fields on the right)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song and Vert to maintain a device specific registry record associated with all installed applications at the server so that device specific application information can be retrieved separately.

Multer-Song-Vert does not disclose the server is a middleware server.

However, Chasman discloses the same (fig. 1, fig. 2, application server with a master database for storing business object type or application and configuration information, application server is read as an middleware server, see Yu et al. US 2007/0226155, [0100], an application server is a middleware server)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song, Vert and Chasman to implement the synchronization scheme of Multer to a dedicated server such as a middleware server to improve system performance.

16. For claim 9, Multer-Song-Vert-Chasman further discloses the network application includes the collective behavior of a plurality of network devices and each mobile device is associated with a device profile including at least one of a hardware profile and a software profile (Multer, fig. 12, software profile, Chasman, fig. 4 step 430, update message regarding a sales opportunity application software type from the client device and collected from a user).

17. For claim 10, Multer-Song-Vert-Chasman further discloses determining associated device specific configuration files further includes determining a particular network application associated with the particular mobile device (Multer, [0222], Chasman, fig. 4, update request with application type field associated with identifier); determining configuration options for the particular mobile device participating in the network application using the configuration parameters (Multer, fig. 12); determining the device specific configuration files as a function of the device profile for the particular mobile device (Multer, fig. 12, Chasman, [0024] lines 3-14, comparing identifiers in the master database with identifiers in the update request to synchronize configuration data (in this case the status change) to the latest version).

18. For claims 2 and 14, the claims are rejected as in claims 1 and 13. Multer-Song-Vert-Chasman further discloses initiating a process to configure the mobile device as a function of the associated configuration parameter includes transmitting device specific configuration files to the mobile device as a function of the associated configuration parameter (Multer, fig. 15, 16, get delta, resolve conflict then apply delta to device, Chasman, [0024] lines 14-19, synchronize the client database with the latest update or configuration from the master database by comparing (functions of) identifiers and version stamps).

19. For claims 3 and 15, the claims are rejected as in claims 1 and 13. Multer-Song-Vert-Chasman further discloses the associated device profile relates to at least one of a hardware profile and a software profile (Multer, fig. 11-13, Chasman, fig. 1, business software application).

20. For claims 4 and 16, the claims are rejected as in claims 2 and 14. Multer-Song-Vert-Chasman further discloses initiating a process to configure the mobile device further includes receiving a device registry file from the mobile device (Multer, [0229]-[0233], pushing device application configuration from device to server, Chasman, fig. 4, step 430, update request in a queue with version stamps reads on registry information); determining device specific files appropriate for the first device as a function of the associated configuration parameter and the device registry associated with the mobile device (Chasman, fig. 4, after synchronization, based on identifiers and version registry information, determine the appropriate new version information).

21. For claims 5 and 17, the claims are rejected as in claims 1 and 13. Multer-Song-Vert-Chasman further discloses each of the configuration parameters associates the application with at least one configuration option (Multer, fig. 12, Chasman, fig. 2, each application (type) has a one configuration (at least version identifier) associated with it).

22. For claims 6, 12 and 18, the claims are rejected as in claims 5, 8 and 17. Multer-Song-Vert-Chasman further discloses the at least one configuration option includes at least one of power settings, menu options and application settings (Multer, fig. 12, application items settings, Chasman, fig. 3, application settings of a business object).

23. For claims 7, 11 and 19, the claims are rejected as in claims 1, 8 and 13. Multer-Song-Vert-Chasman further discloses the at least one mobile device includes at least one of a laptop computer and a PDA ("Personal Digital Assistant") (Chasman, [0017] lines 1-7).

24. For claim 20, Multer discloses a method for deploying application resources to a mobile device comprising:

receiving at the server a synchronization request from a mobile device running an application ([0222], sync triggering from a device by a particular application), the synchronization request to include a device identification (ID) ([0223], device name ID);

determining a device profile as a function of the device ID ([0223], user device profile by device ID);

retrieving a configuration parameter associated with the application (fig. 12, [0241], hierarchy containing application relations with associated items or configuration parameters); generating a resource ID as a function of the device profile and the configuration parameter ([0079], use a unique identifier UUID for each object in the descriptor);

determine whether application resources corresponding to the generated resource ID are already installed on the mobile device (fig. 12, [0220], determine whether synchronization of application items is necessary);

if the application resources are not already installed on the mobile device ([0046], differencing including determining whether data does not currently exist), using the resource ID to retrieve the application resources from an application resource database; and initiating a process to install the application resources on the mobile device (fig. 15, [0223], determine device profile, then [0225]-[0227], resolving conflicts in data by finding data deltas and applying the data deltas to appropriate application items).

Multer does not disclose storing, at the server, in a descriptor file a registry for each of the at least one mobile device; and querying, in the descriptor file, a registry associated with the mobile device.

However, Song discloses storing and accessing a database of registry of each mobile device (fig. 3, 4, each device has a registry record at the registry server)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer and Song to maintain a device specific registry record at the server so that device specific information can be retrieved separately.

Multer-Song does not disclose each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device;

However, Vert discloses each registry maintaining application resources and configuration parameters relating to each software application that are currently installed on the each of the at least one mobile device (fig. 4, a registry for a machine with installed programs 1-n and associated program configuration parameters such as name and data fields on the right)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song and Vert to maintain a device specific registry record associated with all installed applications at the server so that device specific application information can be retrieved separately.

Multer-Song-Vert does not disclose the server is a middleware server.

However, Chasman discloses the same (fig. 1, fig. 2, application server with a master database for storing business object type or application and configuration information, application server is read as an middleware server, see Yu et al. US 2007/0226155, [0100], an application server is a middleware server)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Multer, Song, Vert and Chasman to implement the synchronization scheme of Multer to a dedicated server such as a middleware server to improve system performance.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is included in form PTO 392.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/02/2008

/Kenny S Lin/

Primary Examiner, Art Unit 2452